

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25582 of 2021

Arising Out of PS. Case No.-12 Year-2021 Thana- FULKAHA District- Araria

RAJU KUMAR, S/o Sri Fulchand Paswan, Resident of Village- Nawabganj,
Ward No. -09, P.S.- Fulkaha, District- Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-10-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Choubey Jawahar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Fulkaha P.S. Case No. 12 of 2021 corresponding to Special Case No. 88 of 2021 registered for the offence punishable under Section 413, 414 of the Indian Penal Code read with Section 30(a) of Bihar Prohibition and Excise Act, 2016. The petitioner is in custody since 22.01.2021. The petitioner has otherwise no criminal antecedent as stated in paragraph '3' of the petition.

As per the prosecution story, while the informant was



on patrolling duty intercepted the petitioner riding on motorcycle coming to India from the Nepal side. On search 270 bottles each containing 300 ml Nepali liquor were recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that nothing has been recovered from the conscious possession of the petitioner. It is submitted that seizure list does not contain the signature of the petitioner. The petitioner is in custody in connection with this case since 22.01.2021.

Mr. Choubey Jawahar, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission on behalf of the petitioner that nothing has been recovered from the conscious possession of the petitioner which is apparent from the seizure list which does not bear the signature of the petitioner, he is in custody since 22.01.2021 having no criminal antecedent, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge,



Excise, Araria in connection with Fulkaha P.S. Case No. 12 of 2021 corresponding to Special Case No. 88 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

